IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

AT JAIPUR BENCH, JAIPUR.

O R D E R

S.B. CRIMINAL MISC.PETITION NO.801/2005.
Jaimal Meena
Vs.
State
Date of Order : 2/8/2006.

HON'BLE MR.JUSTICE HARBANS LAL

Mr. Lokesh Sharma for the petitioner.
Mr. Arun Sharma P.P. for the State.

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BY THE COURT:-

The instant petition u/S.482 Cr.P.C. is directed against the order dated 29/4/2005 passed by the learned Special Court (Fake Currency Notes Cases), Jaipur City, Jaipur in Criminal Revision No.5/2004 whereby the revision has been dismissed and the order passed by the learned trial court on 29/11/2003 framing charges against the accused-petitioner for offences under Sections 332 and 353 I.P.C. has been upheld.

It appears that on the report of complainant Shiv Singh, F.I.R. No.104/2001 came to be registered at P.S. Shyam Nagar, Jaipur for offences u/Ss.332 and 353 I.P.C.

After investigation, charge-sheet was filed before the Court of learned Addl.Civil Judge (Sr.Division)-cum-Addl.Chief Judicial Magistrate No.4, Jaipur City, Jaipur who after hearing learned counsel for the parties and upon perusal of the documents submitted alongwith the charge-

sheet u/S.173(2) Cr.P.C. and keeping in view the provisions of Section 239 Cr.P.C. directed framing of charge against the petitioner which was challenged by way of a revision before the learned court below and the same was also rejected. Hence, this petition invoking inherent jurisdiciton of this Court u/S.482 Cr.P.C. has been filed.

It is contended by his learned counsel that alongwith the application of the accused-petitioner u/S.91 Cr.P.C. several documents were submitted but the same have not been considered by the learned trial court as well as the revisional court resulting in abuse of the process of the court which calls for and justifies interference of this court in exercise of powers u/s 482 Cr.P.c. to prevent the abuse of the process of the court and to secure the ends of justice.

Learned Public Prosecutor has tried to support the orders of the learned courts below.

I have carefully considered the submissions made at the bar and have also perused the relevant material placed before me.

It is now well settled that only the documents filed with the charge-sheet u/S.173(2) Cr.P.C. can be looked into and considered at the stage of framing of charges and at that stage defence of the accused cannot be considered. The court below has not committed any error, illegality or impropriety in declining to look into the documents in support of the defence of the accused.

In this view of the matter, therefore, no case for interference in the impugned-order is made out ex exercise of inherent powers of this Court under Section 482 Cr.P.C. which as per settled law are to be exercised sparingly and with circumspection to prevent the abuse of the process of the court or to secure the ends of justice.

Hence, this petition under Section 482 Cr.P.C. being not fit to be admitted is hereby dismissed.

(HARBANS LAL), J.

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